THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22529 OF 2005

DATED:19.10.2005

Between:

K. Surya Rao

…Petitioner

And

The Divisional Forest Officer,

Eluru, West Godavari District and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22529 OF 2005

ORDER:

The petitioner is owner of three-wheeled goods vehicle bearing No.AP 37-W 1010. On 9.10.2005 at 7.30 p.m., second respondent seized the vehicle on an allegation that the vehicle was transporting forest produce in contravention of the provisions of the A.P. Forest Act, 1967 (for short, the Act). The petitioner filed present Writ Petition seeking a direction to respondents to release the vehicle pending the confiscation proceedings under Section 44 (2-A) of the Act.

In view of the judgments of the Supreme Court in **State of Karnataka v. K. Krishnan** and **State of West Bengal v. Sujit Kumar Rana** ordinarily in a matter of this nature, this Court cannot exercise its power under Article 226 of the Constitution

of India and order release of the vehicle allegedly involved in forest offence. However, liberty is given to the petitioner to approach the first respondent and file appropriate application for release of the vehicle pending confiscation proceedings. As and when such application is filed, first respondent may dispose of the same within a period of ten days thereafter. In this Writ Petition no relief can be granted to the petitioner.

The Writ Petition is accordingly disposed of at the admission stage.

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(V.V.S.RAO, J)

19.10.2005

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Note:Issue CC by 20.10.2005.

(B.O)

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